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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,139	06/25/2001	Takehiro Shirai	Q64778	7744
7590	12/15/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			GECKIL, MEHMET B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/887,139	SHIRAI ET AL.
	Examiner	Art Unit
	Mehmet B. Geckil	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 June 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

1. Claims 1-23 are presented for examination.
2. Claims 1-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite because of the following :

- a) "the other devices..." in claims 1,3,6,10-12,16, and 18-20 lacks clear antecedent basis;
- b) "selecting an IP address, which is different from the collected addresses," in claims 1,3,10,11,16,18, and 19 is vague and indefinite because it implying that the collected addresses are IP addresses but claim does not state a step of collecting IP addresses prior to this step. Also, same logic applies to the claims 3,11, and 19 for the selection step;
- c) meaning of the following phrase "applicable IP addresses" in claims 1,3,10,11,16,18, 19 and "effective IP addresses" in claims 6, 12 and 20 are not clearly ascertainable, therefore they are vague and indefinite;
- d) "all the addresses..." in claims 7,13, and 21 lacks clear antecedent basis;
- e) meaning of the following phrase "already posed address" in claims 7,13, and 21 are not clearly ascertainable, therefore they are vague and indefinite;
- f) "the posed device" ..." in claims 7,13, and 21 lacks clear antecedent basis;

- g) meaning of the following phrase "suitable value" in claims 8,14, and 22 are not clearly ascertainable, therefore they are vague and indefinite;
- h) pronouns as in the following phrase "its own ..." in claims 9, 15 and 23 should not be used; and
- i) "the device to finish" ... in claim 9, line 17 and claim 23, line 18 lacks clear antecedent basis.

As can be seen from the above rejections, this application is in dire need of an overhaul which would comply with the grammatical rules of the proper English language used in the North American Continent.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arndt et al.

5. Arndt et al (5,724,510) taught the invention substantially as claimed (e.g., as in exemplary claim 1) including a method of deciding Internet address of a device to be specified in network connecting a plurality of devices that communicate each other by using an Internet Protocol, the method comprising the steps of:

- a)\_detecting and collecting (col 7, line 53 et seq; and col 8, line 63 et seq) addresses of all the other devices connected to the network by receiving and analyzing signals

flowing through the network (col 3, line 28 et seq; col 5, line 7 et seq; col 5, lines 60-66; col 6, line 1 et seq and col 7, line 38 et seq); and

b) selecting an IP address, which is different from the collected addresses, from among  
a (col 7, line 61 et seq and col 8, line 1 et seq.)

6. It would have been obvious to one of ordinary skill in the network address assignment art at the time of the invention that the claimed invention differed from the teachings of Arndt et al only by a degree, e.g., in the claimed group of applicable IP addresses but this is no more than a difference in a degree because Arndt et al taught selecting addresses from an address range (see col 7, line 58 et seq and col 8, line 3 et seq) and address range differs from the group of applicable IP addresses only by a degree. Other claimed elements are all obvious variations of the well known features of address assignment of a device newly inserted into a network. Claimed posed device is no more than well known IP address-MAC address pair for the purpose of going through an address range in a cycle and repeating it for proper address selection from that range.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cree et al (5,603,086) taught dynamic address allocation system wherein they utilized a timer for setting time out periods and maximum time out periods (e.g., see step 633).

Fischer (5,331,634) taught a technique for bridging wireless local area networks having non-unique network address, e.g., two local area networks may have nodes using the same network addresses. Fischer at column 2 summarized Apple Computer's LocalTalk and described how a node newly joining to the network sends groups of packets to the network until the packets fail to elicit a response, indicating that the specified destination ID is not currently active on the network indicating to the interface that the address can be used by the newly joining node.

Sidhu et al (5,150,464) taught a method for use in a network for dynamically assigning a unique network address within the network to a first node using AARP probes to every node connected in a LAN to determine a provisional network address.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (571) 272-3894. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (571) 272-3896.

The fax phone number for the organization where this application or proceeding is assigned is **(703) 872-9306**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3800/4700**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MEHMET B. GECKIL  
PRIMARY EXAMINER